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WASHINGTON, D.C. 20231

2175



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OUR REF: 0557-4645-2
GROUP ART UNIT: 2175

Re: Inventor: Tetsuro NAGATSUKA ET AL.
Serial No: 09/288,856
Filed: APRIL 9, 1999
For: DOCUMENT CLASSIFICATION SYSTEM AND
METHOD FOR CLASSIFYING A DOCUMENT
ACCORDING TO CONTENTS OF THE DOCUMENT

SIR:

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JAN 17 2003

Attached hereto for filing are the following papers:

Technology Center 2100

PROVISIONAL ELECTION

Our check in the amount of \$-0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 CFR 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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A.W.

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
Tetsuro NAGATSUKA ET AL. : EXAMINER: RIMELL, S.
SERIAL NO: 09/288,856 :
FILED: APRIL 9, 1999 : GROUP ART UNIT: 2175
FOR: DOCUMENT CLASSIFICATION SYSTEM
AND METHOD FOR CLASSIFYING
A DOCUMENT ACCORDING TO CONTENTS
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PROVISIONAL ELECTION

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SIR:

In response to the Official Action mailed December 16, 2002, Applicants provisionally elect, with traverse, Group II, Claims 1-3, 7-25 and 42-49 for further examination on the merits in the present application.

Applicants respectfully traverse the Restriction requirement because the PTO has not carried forward its burden of proof to establish distinctness.

In particular, MPEP § 803 states:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

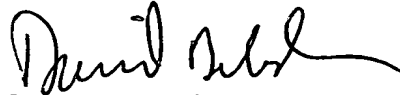
The claims of the present invention would appear to be part of an overlapping search area.¹

¹To do justice to either identified group of claims, it is respectfully submitted that it would be necessary to search in both Classes and subclasses identified in paragraph 1 at page 2 of the outstanding Official Action.

Accordingly, Applicants respectfully traverse the outstanding Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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